

FCC MAIL SECTION

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Before the  
Federal Communications Commission  
Washington, D.C. 20554

DISPATCHED BY  
In the Matter of )  
)  
Investigation of Alascom, Inc., )  
Interstate Transport and Switching Services ) CC Docket No. 95-182  
)  
Alascom, Inc. ) Transmittal No. 1088  
Revisions to Tariff F.C.C. No. 11 )  
)  
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)

**ORDER****Adopted:** December 23, 1999**Released:** December 28, 1999

By the Chief, Competitive Pricing Division, Common Carrier Bureau:

**I. INTRODUCTION**

1. On November 24, 1999, Alascom, Inc. (Alascom), filed Transmittal No. 1088 to revise its Tariff F.C.C. No. 11 (Tariff No. 11) for the dominant common carrier interexchange services that it provides in Alaska (Alaska Services).<sup>1</sup> These proposed tariff revisions are scheduled to become effective January 1, 2000. These revisions increase and/or decrease certain per minute of use Transport and Switching rates for Intra-Alaska Bush and Non-Bush locations (between Alaska LEC offices and Alascom Switching Center in Alaska); and reduce certain Bush and Non-Bush rates for Alaska/Continental United States Transport (between Anchorage and Portland, Oregon).<sup>2</sup> In this Order, we suspend the effectiveness of the above transmittal for one day, set it for investigation, consolidate this investigation into the investigation initiated in the *Transmittal 790 Suspension Order*,<sup>3</sup> and impose an accounting order.

2. On December 9, 1999, General Communications, Inc. (GCI) filed a petition to suspend and investigate the above transmittal. Alascom responded on December 16, 1999.

<sup>1</sup> The Alaska Services offered by Alascom have been established to enable other domestic interexchange carriers to provide telecommunications service to and from Alaska. See Integration of Rates and Services for the Provision of Communications by Authorized Common Carriers between the Contiguous States and Alaska, Hawaii, Puerto Rico and the Virgin Islands, CC Docket No. 83-1376, 9 FCC Rcd 3023 (1994).

<sup>2</sup> Alascom, Inc., Revisions to Tariff F.C.C. No. 11, Trans. No. 1088, filed November 24, 1999, Description and Justification at 2-3.

<sup>3</sup> Alascom, Inc., Tariff F.C.C. No. 11, Trans. No. 790, CC Docket No. 95-182, 11 FCC Rcd 3703 (Com.Car.Bur. 1995) (*Transmittal 790 Suspension Order*)(suspending and investigating Alascom Transmittal Nos. 790 and 797).

## II. CONTENTIONS

3. GCI asks the Commission to suspend the above transmittal, order an investigation, consolidate that investigation with the previously-ordered investigations of earlier Alascom Tariff No. 11 transmittals, and issue an accounting order.<sup>4</sup> GCI contends that Tariff No. 11 is unlawful and that the above transmittal violates Joint Board and Commission orders and raises the same issues addressed in the petitions filed by GCI and others with respect to earlier Tariff No. 11 transmittals.<sup>5</sup> GCI claims that there is no basis for different Bush/non-Bush per minute rates because Alascom has only one switch located in Anchorage which serves both Bush and non-Bush areas.<sup>6</sup> GCI further claims that changes in transport rates produced by the Alascom cost study are not consistent with changes in expenses and investments delineated by GCI in its petition.<sup>7</sup> Finally, GCI urges the Commission to commence the long-standing Alascom Tariff No. 11 investigation without further delay.<sup>8</sup>

4. In response to GCI's petition, Alascom does not object to a one-day suspension of Transmittal No. 1088, inclusion of it in the pending investigation and the application of the accounting order already in place.<sup>9</sup> Alascom states that the revisions to the switching and transport rates reflected in Transmittal No. 1088 are based upon the Commission approved computer model functions in its Cost Allocation Plan and are just and reasonable. At the same time, Alascom urges the Commission to dismiss the pending investigation and indirectly seeks some recision of the current regulatory paradigm.<sup>10</sup>

## III. DISCUSSION

5. We have reviewed the above transmittal, its supporting materials, and the petition and reply. We find that Transmittal No. 1088 raises the same issues regarding rate levels, rate structures, and terms and conditions of service as those identified in the *Transmittal 790 Suspension Order*. For example, the proposed tariff revisions, like those in the earlier Alascom Transmittal Nos. 790, 797, 807, 852, 921, 933, 937, 941, 942, and 993 raise the questions regarding the adequacy of Alascom's cost support and the extent to which the rates, terms, and conditions in the proposed tariff comply with the Communications Act and relevant Commission orders. We conclude, therefore, that significant questions of lawfulness exist concerning Alascom's Transmittal No. 1088. Accordingly, we suspend the provisions of Transmittal No. 1088 for one day, set those provisions for investigation, and consolidate that investigation with the investigation initiated in the *Transmittal 790 Suspension Order*. These rate changes will also be subject to an accounting order to facilitate any refunds that may later be necessary.

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<sup>4</sup> GCI Petition at 2.

<sup>5</sup> GCI Petition at 1-2.

<sup>6</sup> GCI Petition at 3-4.

<sup>7</sup> GCI Petition at 4.

<sup>8</sup> GCI Petition at 2 & 5. GCI also asks that, as part of the investigation, the Commission require Alascom to provide all of its cost models and its cost study in electronic format.

<sup>9</sup> Alascom Response at 1.

<sup>10</sup> Alascom Response at 1-2.

Our accounting order will ensure that GCI, and other Tariff No. 11 customers, will be able to receive refunds of any amounts improperly charged should the Commission ultimately determine that Alascom's tariff is unlawful.

#### IV. ORDERING CLAUSES

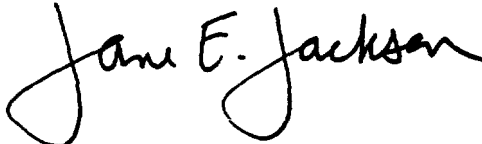
6. Accordingly, IT IS ORDERED that, pursuant to Section 204(a) of the Communications Act of 1934, as amended, 47 U.S.C. § 204(a), and through the authority delegated pursuant to Sections 0.91 and 0.291 of the Commission's Rules, 47 C.F.C. §§ 0.91 and 0.291, the revisions to Alascom, Inc., Tariff F.C.C. No. 11 contained in Transmittal No. 1088 ARE SUSPENDED for one day from its effective date and an investigation of that tariff transmittal is instituted and incorporated within CC Docket No. 92-182.

7. IT IS FURTHER ORDERED that Alascom, Inc., SHALL FILE tariff revisions within five business days of the release date of this Order to reflect this suspension.

8. IT IS FURTHER ORDERED that, pursuant to Sections 4(i) and 204(a) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i) 204(a), and through the authority delegated pursuant to Sections 0.91 and 0.291 of the Commission's Rules, 47 C.F.R. §§ 0.91, 0.291, Alascom, Inc., SHALL KEEP ACCURATE ACCOUNT of all amounts received by reason of the rates that are the subject of this investigation.

9. IT IS FURTHER ORDERED that the petition to suspend and investigate Alascom Transmittal No. 1088 filed by General Communications, Inc. IS GRANTED to the extent indicated herein.

FEDERAL COMMUNICATIONS COMMISSION



Jane E. Jackson  
Chief, Competitive Pricing Division  
Common Carrier Bureau